

S.B.Criminal Revision Petition No.902/2007

Boga Singh
V.
State of Rajasthan

Date of Order :: 24th October, 2007

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. D.L.Rawla, for the petitioner.
Mr. V.R.Mehta, Public Prosecutor.

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On Jamatalashi of the petitioner while arresting him in a case for the offence under Section 379 IPC a country made pistol (315 bore) and two alive cartridges of 315 bore were recovered. A case, therefore, under Section 3(25) of the Arms Act, 1959 was also registered against him and after regular investigation a charge sheet was filed before the competent court. The Additional Chief Judicial Magistrate, Raisinghnagar by order dated 7.6.2004 after considering entire evidence available on record convicted the petitioner for the offences referred above and sentenced to undergo a simple imprisonment for a term of one year with fine in a tune of Rs.500/- and in default thereto to undergo one month's simple imprisonment in addition to regular term of imprisonment. The order dated 7.6.2004 was affirmed by the appellate court i.e. the court of Additional Sessions Judge, Raisinghnagar, by judgment dated 17.8.2007, hence this revision petition under Section 397 read with 401 Cr.P.C. is preferred.

The contention of counsel for the petitioner is that at the time of search of the petitioner no independent witness of the same locality was available and the trial court has founded its finding on the statements given by police officials, thus, the orders impugned are bad.

I do not find any substance in the contention so raised. The trial court in quite unambiguous terms while dealing with the same contention held that at the time of arrest at the spot no independent person was supposed to be available and also that during the course of evidence no suggestion was also given by the defence that any independent person was available in the locality. A specific finding is also given by the trial court that there is no reason to disbelieve the statements given by two responsible police officials.

In view of whatever stated above, no interference of this Court is warranted in its revisional jurisdiction. Accordingly, the revision petition is dismissed.

(GOVIND MATHUR),J.

Kkm/ps.